

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FRANK N. SMOYER, as)	
Administrator for the Estate of)	
KATHERINE E. SMOYER, Deceased,)	2:16-cv-1696
)	
Plaintiff,)	Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
v.)	
)	ECF Nos. 4 & 10
CARE ONE, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

The Complaint in the above captioned case was filed in the Court of Common Pleas of Westmoreland County, Pennsylvania on or about October 13, 2016. The action was removed to this Court on November 9, 2016 by all Defendants upon whom service had been effectuated, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. On December 9, 2016, Plaintiff filed a Motion to Remand (ECF No. 4).

The Magistrate Judge's Report and Recommendation (ECF No. 10), filed on January 23, 2017, recommended that Plaintiff's Motion to Remand (ECF No. 4) be granted and this case be remanded to the Court of Common Pleas of Westmoreland County, Pennsylvania forthwith. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections have been filed to date.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 10 day of February, 2017,

IT IS HEREBY ORDERED that the Motion for Remand filed by Plaintiff, Frank N. Smoyer, as Administrator for the Estate of Katherine E. Smoyer, Deceased (ECF No. 4), is **GRANTED**. The Clerk of Court is ordered to remand this case to the Court of Common Pleas of Westmoreland County, Pennsylvania **forthwith**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 10) of Magistrate Judge Lenihan, dated January 23, 2017, is adopted as the opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan,
United States Magistrate Judge
Colin M. Esgro, Esquire
John C. Eustice, Esquire

(Via CM/ECF Electronic Mail)